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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

UM CORPORATION, a Japanese corporation,

Plaintiff,

vs.

TSUBURAYA PRODUCTIONS CO. LTD., a Japanese corporation,

Defendant.

CASE NO. 2:15-cv-03764-AB-AJW

DEFENDANT AND COUNTERCLAIMANT TSUBURAYA PRODUCTIONS CO. LTD.'S STATUS REPORT REGARDING SERVICE OF SOMPOTE SAENGDUENCHAI

Judge: Hon. André Birotte, Jr.

Trial Date: April 18, 2017

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TSUBURAYA PRODUCTIONS CO. LTD., a Japanese corporation,

Counterclaimant,

vs.

UM CORPORATION, a Japanese corporation; ULTRAMAN USA, INC., a California corporation; SOMPOTE SAENGDUENCHAI, a Thai individual; GOLDEN MEDIA GROUP, INC., a California corporation; TIGA ENTERTAINMENT COMPANY, LTD., a Hong Kong corporation; and DOES 1-10,

Counterdefendants.

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Status Report Regarding Service of Sompote Saengduenchai

Defendant and Counterclaimant Tsuburaya Productions Co. Ltd. ("Tsuburaya") hereby responds to the Court's February 5, 2016 Order (Dkt. 55) directing Tsuburarya to file either (i) a proof of service of its Counterclaims on Sompote Saengduenchai ("Sompote"), or (ii) a status report concerning its continued efforts to effect service on Sompote.

In its response to the Court's Order to Show Cause (Dkt. 51), dated February 2, 2016, Tsuburaya described the substantial efforts it has taken to locate and serve Sompote with its Counterclaims. (Dkt. 51.) Since then, Tsuburaya has continued to attempt to locate Sompote, who is believed to reside in Thailand, including through the use of a private investigation service that focuses on locating individuals. Unfortunately, Tsuburaya still has been unable to locate and serve Sompote. Tsuburaya's efforts remain ongoing, however, and it continues to look diligently for leads on Sompote's current whereabouts. Tsuburaya also believes that it may learn information about Sompote's location through discovery from the other counter-defendants in the case. In particular, Tsuburaya is informed and believes that the principal of plaintiff and counter-defendant UMC Corporation ("UMC"), Perasit Saengduenchai, is the son of Sompote. Tsuburaya also believes that other counter-defendants have transacted business and/or been in contact with Sompote within the past year.

Sompote is indisputably a critical witness in this case, and should be a party to the case. A central disputed issue in the case is the validity of a purported license agreement between Tsuburaya, on the one hand, and Sompote, on the other hand, allegedly signed in 1976, pursuant to which Tsuburaya allegedly granted certain intellectual property rights in the Ultraman works at issue in this case to Sompote. Tsuburaya denies the validity of the purported 1976 agreement, and contends that it continues to hold all rights in the Ultraman works. Nevertheless, pursuant to the 1976 agreement, Sompote has attempted to exploit, and continues to exploit, the

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Ultraman works in certain markets. Indeed, UMC and other counter-defendants contend that the rights they claim to hold in the Ultraman works originate from Sompote's alleged rights that were granted to him in the 1976 agreement. Accordingly, the validity of the 1976 agreement, and of Sompote's subsequent grants of interests in the Ultraman works based on that agreement, will need to be decided in this case.

Tsuburaya also believes that Sompote has actual notice of this lawsuit, and of Tsuburaya's substantial and ongoing efforts to attempt to serve him with the Counterclaims, and thus that he is evading service. As Tsuburaya explained in its response to the OSC, Tsuburaya mailed a copy of the Counterclaims to an address that it believes is associated with Sompote, and Sompote very likely has learned of this lawsuit, and of Tsuburaya's claims against him, from media reports regarding the lawsuit or from communications with other counter-defendants.

For all these reasons, Tsuburaya respectfully requests additional time to complete service on Sompote. The parties are presently engaging in document discovery and depositions will likely commence soon. Tsuburaya will continue its efforts to serve Sompote, and will attempt to learn information through discovery that will assist it in doing so. Tsuburaya is not aware of any prejudice to Sompote or to the other parties that would result from allowing Tsuburaya additional time to attempt to serve Sompote.

In the alternative, if the Court is disinclined to allow more time for service, then Tsuburaya respectfully requests that Sompote be dismissed without prejudice so that, if he is later found, Tsuburaya may re-file its claims against him and attempt to serve him at that time.

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DATED: March 14, 2016

Respectfully submitted,

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